IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 772 OF 2002.

Shri Sadashiv Menka Shetty. ... Appellant.

V/s.

The Municipal Corporation of
Greater Mumbai and another. ... Respondents.

Mr.V.J.Hegde for the Appellant.

CORAM : A.S. OKA, J.

DATED : 1st March 2005.

P.C :

. Heard learned advocate appearing for the Appellant.

2. The challenge in this appeal from order by the original plaintiff is to the order dated 4th May 2002. By the said order learned trial Judge declined to grant ad-interim relief in favour of the Appellant-Plaintiff. The perusal of the record shows that till today there is no ad-interim relief granted by this Court in favour of the Appellant. In view of this position, after lapse of about three years, ad-interim relief cannot be granted in favour of the Appellant-Plaintiff. The order impugned is a discretionary order refusing to grant equitable

relief. Hence no interference is possible at this stage.

3. The appeal is dismissed with no order as to costs. It is made clear that the notice of motion, if not decided, will be decided by the trial Court on its own merits without being influenced by the impugned order and confirmation thereof by this Court.

4. The concerned court to act on an authenticated copy of this order.

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